

## **REMARKS**

Claims 1-21 and 24-33 are all of the claims presently pending in the application. Claims 1-31 stand rejected on prior art grounds and, more specifically, on US Patent 6,006,264 to Colby et al. Claims 22 and 23 are cancelled above and new claims 32 and 33 are added to claim an aspect of the present invention not previously covered by the claims.

It is noted that Applicants specifically state that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

This rejection based on Colby is respectfully traversed in view of the following discussion.

### **I. THE CLAIMED INVENTION**

Applicants' invention, as disclosed and claimed in independent claim 1, is directed to a method in a computer network of controlling an admittance of requests to at least one processing component. The amount of network traffic is evaluated to determine if the amount exceeds a preset threshold.

If the preset threshold is exceeded, the content of each request is differentiated in to types and the request is admitted only if the differentiated type meets at least one criterion for admission.

The conventional method discussed on pages 1-4 of the specification makes no differentiation of requests based upon a content of the request. Moreover, the current

content throttler presented as prior art does not first evaluate network traffic to determine whether the content-based throttling should be invoked.

## II. THE PRIOR ART REJECTION

The Examiner alleges that Colby anticipates the present invention, as defined by the current claims. However, a key feature of the present invention is that the content evaluation and throttling feature is invoked only if traffic exceeds a pre-set threshold.

This feature allows the existing network content handler, until a pre-set threshold of network traffic is exceeded, to continue its normal method of routing requests without having to invoke additionally processing required to evaluate the information content of the incoming requests. In the present invention, this additional processing is invoked only if the traffic level exceeds the pre-set threshold.

Moreover, because the present invention is designed to fit into the existing conventional network content handler using URLs, it can be easily installed into the conventional network method as a software plugin module, and in a distributed manner.

Applicants submit that Colby does not teach or suggest invoking the content evaluation only if <sup>cell up to</sup> current traffic exceeds a preset amount. Colby evaluates content of the request under all conditions, including light traffic loads. Therefore, the present invention has at least the advantage of reducing the amount of processing dedicated to the request admittance function by reason of invoking this function only if traffic exceeds a preset threshold amount.

Hence, turning to the clear language of the claims, there is no teaching or suggestion in Colby of: "...evaluating an amount of traffic in said network; determining

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whether said amount exceeds a preset threshold; if said amount exceeds said threshold...,” as required by claim 1. The remaining independent claims have similar language.

Moreover, Applicants submit that, to one of ordinary skill in the art, the description at lines 10-29 of column 3 fails to satisfy the description of a distributed admittance method of claims 5, 19, 24, and 29, since selection of a “best-fit” server is a different concept from a plurality of entry-point servers.

Applicants further submit that lines 44-55 of column 19 of Colby does not teach or suggest a software plugin module, as required by claims 6 and 28.

Applicants additionally submit that one of ordinary skill in the art would not consider the description at lines 10-29 of column 3 to describe the evaluation of a dependee server load, as required in claims 12 and 18. That is, although these lines describe the concept of finding a “best-fit” server, there is no reasonable suggestion that the current load of the server is one of the factors involved in this selection.

Relative to the rejection for claim 15, Applicants submit that the description at lines 58-67 of column 9 of Colby do not refer to a message due to the throttling of requests, since this description refers to a procedure when no server can be found to satisfy the request content. To one of ordinary skill in the art, this is an entirely different concept.

Relative to the rejection for claim 16, Applicants submit that one of ordinary skill in the art would not consider QoS as equivalent to a admission control at a tier in a request flow path. That is, as clearly explained at lines 10-12 of column 3 of Colby, QoS involves a setting of priorities, not a tier architecture.

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Relative to the rejection for claim 17, Applicants submit that one of ordinary skill in the art would not consider the discussion at line 58 of column 9 through line 11 of column 10 as describing determination of whether a dependee component is currently available. Rather, this description addresses whether a component exists that can handle the request, an entirely different concept from current availability.

For the reasons stated above, the claimed invention is fully patentable over Colby.

Further, the other prior art of record has been reviewed, but it too, even in combination with Colby, fails to teach or suggest the claimed invention.

### **III. FORMAL MATTERS AND CONCLUSION**

In view of the foregoing, Applicant submits that claims 1-21 and 24-31, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 50-0510.

Respectfully Submitted,

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Frederick E. Cooperrider  
Reg. No. 36,769

**McGinn & Gibb, PLLC**  
Intellectual Property Law  
8321 Old Courthouse Road, Suite 200  
Vienna, VA 22182-3817  
(703) 761-4100  
Customer No. 21254